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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,700	06/20/2001	Christiaan Jacob Martens	NL000341	4257

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,700

Applicant(s)

MARTENS ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1 and 4-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/11/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The disclosure is objected to because of the following informalities:

- The specification does not include the headings as discussed above.

Appropriate correction is required.

Claim Objections

2. Claims 1 and 4-8 are objected to because of the following informalities:
- Regarding claims 1, 4, 5, and 6, applicant includes variations of the phrase “control means are”. This appears to be a typographical error and that the applicant meant to use the phrase – control means is – ”.
 - Regarding claims 7 and 8, the applicant includes the phrase “control means comprise”. This appears to be a typographical error and that the applicant meant to use the phrase – control means comprises –.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 4, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (Japanese Publ. No. 10-335071 A).**

5. Regarding *claim 1*, Saito discloses a lighting control device which includes a CCD image sensor (3b) and a control section (4) which operates to control the lighting in the room in response to measured radiation values. The image sensor takes an image of a floor which

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inherently would be located in a room. An official translation of the Japanese document has been ordered for use in subsequent office actions.

6. As for *claim 2*, as mentioned above the camera is a CCD camera.

7. As for *claim 4*, the camera of Saito would inherently collect radiation within the visible light range. Furthermore, Saito discloses that only certain areas of the image are evaluated to control the lighting of the floor. See paragraphs 0018 and 0019.

8. *Claim 10* is considered a method claim corresponding to claim 2. Please see the discussion of claims 1 and 2 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al.**

(Japanese Publ. No. 10-335071 A) in view of Elwell (U.S. Reissued Patent No. RE37,135)

and further in view of Jones et al. (U.S. Patent No. 5,764,785).

11. Regarding *claim 3*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that the lighting is controlled using the measured radiation values of both visible light and infrared radiation.

Elwell, on the other hand, discloses that it is well known in the art to control the lighting in a room using infrared radiation. More specifically, Elwell discloses an infrared detector (2) for

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sensing a person (21) entering the room. When a person is detected, a bank of lights (15) is turned on. See column 6, lines 38-46. The infrared light detector makes it possible to detect the presence of people in the dark and thereby control the lights in the room. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the camera of Saito to detect infrared light so that the lights can be controlled even when no visible light is present.

Additionally, neither Saito nor Elwell specifically discloses that the image sensor is capable of sensing both visible and infrared light. Jones on the other hand discloses that it is well known in the art to construct an image sensor such that it can obtain images using radiation values of visible light and infrared radiation. More specifically, Jones discloses an object recognition camera (23) capable of using visible light and infrared radiation to produce an image of objects under observation. See column 6, lines 6-25. This provides a camera that can capture images in the dark and can recognize objects in the dark without the need for multiple image sensors for the visible and infrared light. Therefore, it would have been obvious to one of ordinary skill in the art to construct the image sensor of Saito so that it is capable of collecting both visible and infrared light.

12. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (Japanese Publ. No. 10-335071 A) in view of Lys et al. (U.S. Patent No. 6,459,919).**

13. Regarding *claim 5*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that the control means can control the lighting in response to the color temperature of the image. Lys, on the

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other hand, discloses that it is well known in the art to measure the ambient color temperature and then adjust the lighting based on the measured color temperature. More specifically, Lys discloses smart light bulbs (701) which are made responsive to an external signal for illumination control. A light sensor (719) measures the color temperature of the environment and instructs the light bulb (701) to produce a similar light intensity. See column 42, lines 39-60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the lighting using the color temperature so that ambient light is mimicked.

14. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (Japanese Publ. No. 10-335071 A) in view of Jacobsen et al. (U.S. Patent No. 4,631,675).**

15. With regard to *claim 6*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that lighting is controlled based on the contrast between values of the image. Jacobsen, on the other hand, discloses that it is well known in the art to use the contrast of the image to control the lighting. More specifically, Jacobsen discloses a camera which captures an image of an area and controls the lighting based on the image. As disclosed in column 3, lines 19-32, the contrast is detected and the lights are controlled. It is well known that good contrast is as important as good light levels. Therefore, it would have been obvious to control the lighting in response to the contrast of the image captured by the camera so that the lights are optimally controlled for the contrast.

16. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (Japanese Publ. No. 10-335071 A) in view of Mix et al. (U.S. Patent No. 5,406,173).**

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17. Regarding *claim 7*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that the control means comprises motion detection means. Mix, on the other hand, discloses that it is well known in the art to include a motion detection means for a lighting system. More specifically, Mix discloses a motion detector (110) for detecting whether or not a person is present in a room. Since the lights are turned on or off in response to the motion detector, the lights are controlled by the light control circuit (120). Using a motion detector will result in reduced power consumption, since lights will be shut off when no one is in the room. Therefore, it would have been obvious to one of ordinary skill in the art to include a motion detector in the control means of Saito so that power is conserved.

18. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (Japanese Publ. No. 10-335071 A) in view of Kawashima et al. (U.S. Patent No. 6,079,862).**

19. With regard to *claim 8*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that the control means includes object recognition means. Kawashima, on the other hand, discloses that it is well known in the art to use an object recognition means to control the lighting of a room. As disclosed in column 9, line 53 to column 10, line 45, Kawashima discloses a camera (4) capable of capturing an image and an image recognition unit (5). When it is determined that an object of interest has moved, the light (1) is operated so as to keep the light focused on the object. This feature allows an object of interest to be lighted in an appropriate manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to include an object recognition means in Saito so that the lighting conditions can be focused squarely on a designated subject.

20. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (Japanese Publ. No. 10-335071 A).**

21. As for *claim 9*, as mentioned above in the discussion of claim 1, Saito discloses all of the limitations of the parent claim. However, Saito fails to explicitly disclose that the control means is operated by remote control. Official Notice is taken as to the fact that it is well known in the art to operate electronic devices by means of remote control. By remotely controlling a device, the user is free from the burden of having to actually come in contact with the device in order to operate it. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the control means of Saito be remote controlled so that the operator can control the device from a distance.

Any response to this action should be mailed to:

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or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington VA, Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
September 7, 2004



TUAN HO
PRIMARY EXAMINER